

## CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents, Washington, D.C. 20231, on November 30, 2000.

*Patricia Ellison*  
Patricia Ellison



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

DEC 08 2000

TECH CENTER 1600/2900

In the application of:

Andrew S. LITTLE et al.

Serial No.: 09/509,591

371 Filing Date: September 3, 1999

371 102(e) Date: June 2, 2000

For: ADENOVIRUS VECTORS SPECIFIC  
FOR CELLS EXPRESSING ALPHA-  
FETOPROTEIN AND METHODS OF  
USE THEREOF

Examiner: G. Lee

Group Art Unit: 1632

## TRANSMITTAL

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Enclosed please find the following:

1. Certificate Under 37 C.F.R. § 3.73(b) - 1 page
2. Copy of Assignment, Joint - 8 pages
3. Prosecution by Assignee and Power of Attorney Under 37 C.F.R. § 3.71 - 2 pages
4. Verified Statement Claiming Small Entity Status-Small Business Concern - 1 page
5. Return postcard - 1 page

The Assistant Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17, and 1.21 that may be required by this transmittal, or to credit any overpayment, to Deposit Account No. 03-1952.

**RECEIVED**

DEC 08 2000

Respectfully submitted,

TECH CENTER 1600/2900

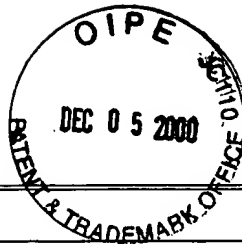
Dated: Nov 29, 2000

By:

Catherine M. Polizzi  
Catherine M. Polizzi  
Registration No. 40,130

Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
Telephone: (650) 813-5651  
Facsimile: (650) 494-0792

by Debra J. Glantz  
Reg # 33,888



RECEIVED

DEC 08 2000

PTO/SB/96 (10-92)

**CERTIFICATE UNDER 37 C.F.R. § 3.73(b)**

TECH CENTER No. 348022000420  
1600/2900

In the application of: Andrew S. LITTLE et al.  
Serial No.: 09/509,591  
371 Filing Date: September 3, 1999  
371 102(e) Date: June 2, 2000  
For: ADENOVIRUS VECTORS SPECIFIC FOR CELLS EXPRESSING ALPHA-FETOPROTEIN  
AND METHODS OF USE THEREOF

Calydon, Inc., a Corporation, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. ☒ An assignment from the inventors of the patent application identified above for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From :  
To:  
The document was recorded in the Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.
2. From :  
To:  
The document was recorded in the Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.
3. From :  
To:  
The document was recorded in the Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

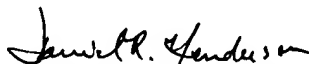
☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 11.3.00

  
Name: R.R. Henderson  
Title: President

ASSIGNMENT  
JOINT

COPY

THIS ASSIGNMENT, by Andrew S. LITTLE, Henry G. LAMPARSKI, Daniel R. HENDERSON and Eric R. SCHUUR (hereinafter referred to as the assignors), residing at 214 ½ Ruby Drive, Balboa Island, California 92662; 422 South El Dorado, San Mateo, California 94402; 955 Matadero Avenue, Palo Alto, California 94306 and 2493 Waverly Street, Palo Alto, California 94301 respectively, witnesseth:

WHEREAS, said assignors have invented certain new and useful improvements in ADENOVIRUS VECTORS SPECIFIC FOR CELLS EXPRESSING ALPHA-FETOPROTEIN AND METHODS OF USE THEREOF, set forth in an application for Letters Patent of the United States, bearing Serial No. 09/509,591 and which was filed as a 371 application on September 3, 1999 and adopts a 102(e) filing date of June 2, 2000; and

WHEREAS, Calydon, Inc., a corporation duly organized under and pursuant to the laws of California and having its principal place of business at 1324 Chesapeake Terrace, Sunnyvale, CA 94089 (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the sole and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that said assignors will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

10/23/00  
Date

Andrew S. Little  
Andrew S. LITTLE

**COPY**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Henry G. LAMPARSKI

**RECEIVED**

10-6-00  
Date

D.R. Henderson  
Daniel R. HENDERSON

DEC 08 2000

\_\_\_\_\_  
Date

\_\_\_\_\_  
Eric R. SCHUUR

**TECH CENTER 1600/2900**

ASSIGNMENT  
JOINT

COPY

THIS ASSIGNMENT, by Andrew S. LITTLE, Henry G. LAMPARSKI, Daniel R. HENDERSON and Eric R. SCHUUR (hereinafter referred to as the assignors), residing at 214 ½ Ruby Drive, Balboa Island, California 92662; 422 South El Dorado, San Mateo, California 94402; 955 Matadero Avenue, Palo Alto, California 94306 and 2493 Waverly Street, Palo Alto, California 94301 respectively, witnesseth:

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NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the sole and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that said assignors will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

Date

10-15-00

Andrew S. LITTLE

*H. Lamparski*

Date

Henry G. LAMPARSKI

10-6-01

Date

*D.R. Henderson*  
Daniel R. HENDERSON

Date

Eric R. SCHUUR

COPY

ASSIGNMENT  
JOINT

COPY

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COPY

Date

Andrew S. LITTLE

Date

Henry G. LAMPARSKI

Date

10-6-11

Daniel R. HENDERSON

Date

Eric R. SCHUUR

# ASSIGNMENT JOINT

COPY

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COPY

Date

Andrew S. LITTLE

Date

Henry G. LAMPARSKI

10-6-11  
Date

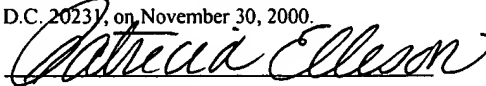
D.R. Henderson  
Daniel R. HENDERSON

10/26/00  
Date

Eric R. Schuur  
Eric R. SCHUUR

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

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Assistant Commissioner for Patents, Washington, D.C. 20231, on November 30, 2000.

  
Patricia Ellison

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Andrew S. LITTLE et al.

Serial No.: 09/509,591

371 Filing Date: September 3, 1999

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For: ADENOVIRUS VECTORS SPECIFIC  
FOR CELLS EXPRESSING ALPHA-  
FETOPROTEIN AND METHODS OF  
USE THEREOF

Examiner: G. Lee

Group Art Unit: 1632

PROSECUTION BY ASSIGNEE AND POWER OF ATTORNEY  
UNDER 37 C.F.R. § 3.71

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Calydon, Inc., the assignee of the entire right, title and interest in this patent application,  
under 37 C.F.R. § 3.71 hereby appoints:

Laurie A. Axford (Reg No. 35,053)  
Joseph Barrera (Reg No. 44,522)  
Shantanu Basu (Reg No. 43,318)  
Frank P. Becking (Reg No. 42,309)  
Kimberly A. Bolin (Reg No. 44,546)  
Barry E. Bretschneider (Reg No. 28,055)  
Nicholas Buffinger (Reg No. 39,124)  
Mark R. Carter (Reg No. 39,131)  
Peng Chen (Reg No. 43,543)  
Thomas E. Ciotti (Reg No. 21,013)  
Raj S. Davé (Reg No. 42,465)  
Carolyn A. Favorito (Reg No. 39,183)  
Hector Gallegos (Reg No. 40,614)

Sanjay S. Bagade (Reg No. 42,280)  
Erwin J. Basinski (Reg No. 34,773)  
Richard R. Batt (Reg No. 43,485)  
Vincent J. Belusko (Reg No. 30,820)  
Timothy J. Bortree (Reg No. 43,506)  
Tyler S. Brown (Reg No. 36,465)  
Jingming Cai (Reg No. P-44,579)  
Robert K. Cerpa (Reg No. 39,933)  
Thomas Chuang (Reg No. P-44,616)  
Matthew M. D'Amore (Reg No. 42,457)  
Stephen C. Durant (Reg No. 31,506)  
David L. Fehrman (Reg No. 28,600)  
Debra J. Glaister (Reg No. 33,888)

Kenneth R. Glick (Reg No. 28,612)  
Peter Hsieh (Reg No. P-44,780)  
Richard D. Jordan (Reg No. 33,519)  
Catherine J. Kara (Reg No. 41,106)  
Kawai Lau (Reg No. 44,461)  
Lisa E. Marks (Reg No. 44,901)  
Philip A. Morin (Reg No. P-45,926)  
Martin M. Noonan (Reg No. 44,264)  
William C. Revelos (Reg No. 42,101)  
Robert Saltzberg (Reg No. 36,910)  
Terri Shieh-Newton (Reg No. P-47,081)  
Kevin R. Spivak (Reg No. 43,148)  
E. Thomas Wheelock (Reg No. 28,825)  
Thomas G. Wiseman (Reg No. 35,046)  
David T. Yang (Reg No. 44,415)  
George C. Yu (Reg No. 44,418)

Charles D. Holland (Reg No. 35,196)  
Madeline I. Johnston (Reg No. 36,174)  
Ararat Kapouytian (Reg No. 40,044)  
Richard C. Kim (Reg No. 40,046)  
Rimas T. Lukas (Reg No. 46,451)  
Gladys H. Monroy (Reg No. 32,430)  
Kate H. Murashige (Reg No. 29,959)  
Catherine M. Polizzi (Reg No. 40,130)  
Paul J. Riley (Reg No. 38,596)  
Debra A. Shetka (Reg No. 33,309)  
Rebecca Shortle (Reg No. P47,083)  
Stanley H. Thompson (Reg No. 45,160)  
Todd W. Wight (Reg No. 45,218)  
Frank Wu (Reg No. 41,386)  
Peter J. Yim (Reg No. 44,417)  
Karen R. Zachow (Reg No. P-46,332)

all of Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304-1018, telephone (650) 813-5600, to prosecute this application and transact all matters in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71 provided that if any one of said attorneys or agents ceases being affiliated with the law firm of Morrison & Foerster as partner, employee or of counsel, such attorney's or agent's appointment as attorney or agent and all powers derived therefrom shall terminate on the date such attorney or agent ceases being so affiliated.

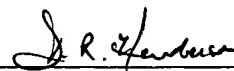
Please direct all written communications relative to this application to:

Catherine M. Polizzi  
Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018

Please direct all telephone communications to Catherine M. Polizzi at (650) 813-5651.

Calydon, Inc.  
a California corporation

Dated: 11. 3, 2000



Name: Daniel R. Henderson  
Title: President  
Address: 995 Matadero Ave  
Palo Alto CA  
94306

2

Serial No. 09/509,591  
Docket No. 348022000420

Applicant/Patentee: Andrew S. LITTLE et al.

Docket No.: 348022000420

Serial No./Patent No.: 09/509,591

371 Filing Date: September 3, 1999

371 102(e) Date: June 2, 2000

ADENOVIRUS VECTORS SPECIFIC FOR CELLS EXPRESSING ALPHA-FETOPROTEIN AND METHODS OF USE THEREOF

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS**  
**37 C.F.R. §§ 1.9(f) AND 1.27(c) — SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Calydon, Inc.

ADDRESS OF CONCERN: 1324 Chesapeake Terrace, Sunnyvale, CA 94089

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 121.12, and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled ADENOVIRUS VECTORS SPECIFIC FOR CELLS EXPRESSING ALPHA-FETOPROTEIN AND METHODS OF USE THEREOF by inventors Andrew S. LITTLE, Henry G. LAMPARSKI, Daniel R. HENDERSON and Eric R. SCHUUR described in

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

If the rights held by the above identified business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d), or a nonprofit organization under 37 C.F.R. § 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.  
☐ each such person, concern or organization is listed below.

NAME	ADDRESS	TYPE
		<input type="checkbox"/> Individual <input type="checkbox"/> Small Business Concern <input type="checkbox"/> Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27)

I acknowledge the duty to file, in this application or patent, notification or any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Daniel R. Henderson  
TITLE OF PERSON IF OTHER THAN OWNER: President  
ADDRESS OF PERSON SIGNING: 995 Mataadero Ave.  
Palo Alto, CA 94306

SIGNATURE: D.R. Henderson

DATE: 11.3.00